

NO. 3236 P. 2

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PATENT  
Attorney Docket No. 24730-2202

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stoughton *et al.*

Serial No.: 09/038,894

Filed: March 11, 1998

For: METHODS OF DIAGNOSIS AND TRIAGE USING CELL ACTIVATION MEASURES

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 C.F.R. 551.9(f)  
and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ( ) the owner of the small business concern identified below:  
(X) an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN  
ADDRESS OF CONCERNCELL ACTIVATION, INC.  
101 West Broadway, Suite 480  
San Diego, California 92101

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 5121.3-18 and reproduced in 37 C.F.R. 51.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "METHODS OF DIAGNOSIS AND TRIAGE USING CELL ACTIVATION MEASURES" by inventor Roland B. Stoughton *et al.*

- ( ) the specification filed herewith  
(X) application Serial No. 09/038,894, filed March 11, 1998  
( ) Patent No. \_\_\_\_\_, issued \_\_\_\_\_

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If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

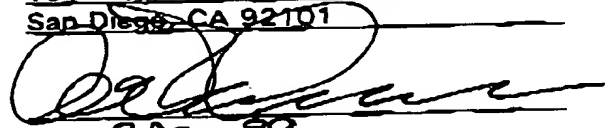
\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. §1.27).

Full Name  
Address

( ) Individual ( ) Small Business Concern ( ) Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING  
TITLE OF PERSON OTHER THAN OWNER  
ADDRESS OF PERSON SIGNINGJohn Penhune  
President  
CELL ACTIVATION, INC.  
101 West Broadway, Suite 480  
San Diego, CA 92101SIGNATURE  
DATE  
9 DEC 99